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Joseph Broumand

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BRYAN W. BOCKHOP, ESQ.
BOCKHOP & ASSOCIATES, LLC
2375 MOSSY BRANCH DR.
SNELLVILLE, GA 30078

EXAMINER

AHMED, AFFAF

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,987	Applicant(s) BROUMAND, JOSEPH	
	Examiner AFAF AHMED	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,7,9,11,13-18,28-33,40 and 68-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,7,9,11,13-18,28-33,40 and 68-70 is/are rejected.
- 7) ☐ Claim(s) 7, 27, 69, 70 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on 6/18/2008.
2. Claims 2-3, 7, 11, 13-18, 27, 31-33 and 40 have been amended.
3. Claims 68, 69 and 70 have been added.
4. Claims 1, 4-6, 8, 10, 12, 19-26, 34-39 and 41-67 have been canceled.
5. Claims 2-3, 7, 9, 11, 13-18, 27, 28-33, 40, 68, 69 and 70 are currently pending and have been examined.
6. Claims 6, 10, 21, 25, 36, 39, 46, 50, 53, 62 and 66 rejection under 35 USC § 112 second paragraph is withdrawn, because the claims are cancelled.
7. Applicant amended claims 2, 17 and 32, however amended claims are still rejected under 35 USC § 112 second paragraph for reasons stated below.
8. Applicant did not traverse the Examiner's assertion of official notice, therefore the common knowledge or well-known in the art statement is taken to be admitted prior art (MPEP 2144.03).

Response to Applicant's Arguments

9. Applicant's amendment and arguments filed on 06/18/2008 have been fully considered and discussed in the next section. Applicant is reminded that claims must be given their broadest reasonable interpretation.
10. With respect to claims 27, 69, 68 Applicant's arguments have been considered but are moot in view of the new ground (s) of rejection.

Claim Objections

11. Claims 7, 27, 69 and 70 are objected to because of the following informalities:
 - Claim 7 is objected to because it depends from a cancelled claim. Appropriate correction is required.
 - Claims 27 and 70 are objected to because of minor typo-graphical errors "*an amount that is determined by subtracting from a predetermined maximum bounty a product of the predetermined maximum bounty times at least one objective factor that that indicates a quality of the user information*" Appropriate correction is required.
 - Claim 69 is objected to because of the following minor typo-graphical error "*enabling a promoter to provide to an advertiser an advertising oportunity targeting a plurality of*"

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users of a global computer network Web page” and “comparing the subset of information to the criteria set forth by the advertiser to determine the criteria of the advertiser are met by the user”; and “receiving from a Web server a subset of a set of user information received from a user who has reponded to a registration of a Web page administered by the Web server, the subset of the set of information limited to information that is necessary to determine whether the user meets criteria set forth to the promoter an advertiser of the plurality of advertisers”; “if the criteria are met by the user, then transmiting to the user an opt-in window that includes a data entry mechanism that allows the user to select the advertis”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 27, 69 and 70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Claim 69 recites the limitation of:

- *receiving from a Web server a subset of a set of user information received from a user who has responded to a registration of a Web page administered by the Web server, the subset of the set of information limited to information that is necessary to determine whether the user meets criterial set forth to the promoter an advertiser of the plurality of advertisers. It is unclear what Applicant is referring to by “criterial set forth to the promoter an advertiser” Appropriate correction and/or clarification is require.*

15. Claims 27 and 70 recite the limitation of :

- *billing the advertiser an amount that is determined by subtracting from a predetermined maximum bounty a product of the predetermined maximum bounty times at least one objective factor that that indicates a quality of the user information. It is unclear how Applicant is defining the "objective factor". Applying the above formula it seems that the objective factor should be limited between 0-1, however in the case of replacing the objective factor by a whole number other than 1, the amount to be billed to the advertiser will be a negative amount, which will be crediting*

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the advertiser's account and not debiting the advertiser's account. Appropriate correction and/ or clarification is required.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 68 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Frengut et al, US Pub No: 2002/0046099.

As per **claim 68**, Frengut teaches:

- *receiving target information from a plurality of advertisers, the target information received from each advertiser setting forth a set of criteria that is to be used to select to which of the plurality of users each advertiser targets for on-line promotions (see at least paragraphs 27, 45, 49 and 51);*
- *presenting a registration window to a user of the plurality of users, the registration window including input fields that allow the user to input user information (see at least paragraphs 28 and 30);*
- *upon the user completing entry of the user information into the input fields of the registration window, comparing the user information associated with the user to the set of criteria associated with each advertiser (see at least paragraphs 25 and 46);*
- *presenting to the user an advertiser window that lists only each advertiser whose criteria are matched by the user information entered by the user; and receiving input from the user indicating which selected advertisers listed in the advertiser window the user desires information (see at least paragraphs 26 and 39); and*
- *upon receiving the input from the user, transmitting to each of the selected advertisers a set of the user information associated with the user (see at least paragraph 56);*

As per **claim 7**, Frengut teaches:

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- *sending a confirmation e-mail to the user who has opted in at least selection (see at least paragraph 40);*

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

19. Claims 9, 27, 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frengut et al, US Pub No: 2002/0046099.

Claims 27:

Frengut discloses:

- *receiving target information from a plurality of advertisers, the target information received from each advertiser setting forth a set of criteria that is to be used to select to which of the plurality of users each advertiser targets for on-line promotions (see at least paragraphs 27, 45, 49 and 51);*
- *presenting a registration window to a user of the plurality of users, the registration window including input fields that allow the user to input user information (see at least paragraphs 28 and 30);*
- *upon the user completing entry of the user information into the input fields of the registration window, comparing the user information associated with the user to the set of criteria associated with each advertiser (see at least paragraphs 25 and 46);*

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- *presenting to the user an advertiser window that lists only each advertiser whose criteria are matched by the user information entered by the user; and receiving input from the user indicating which selected advertisers listed in the advertiser window the user desires information (see at least paragraphs 26 and 39); and*
- *upon receiving the input from the user, transmitting to each of the selected advertisers a set of the user information associated with the user (see at least paragraph 56);*

With regard to the limitation of:

- *billing the advertiser an amount that is determined by subtracting from a predetermined maximum bounty a product of the predetermined maximum bounty times at least one objective factor that that indicates a quality of the user information;*

Frengut in at least paragraph 52 discloses advertisers select which sites to advertise on based on user selected sites and the popularity of the site (quality of the lead). Frengut also discloses advertising rates charged to the advertiser vary according to factors (audience type and the size (quality of the lead)) and the traffic driven sales (quality of the lead). Further more, Frengut in at least paragraph 53 discloses rates are determined by the amount of filtration, the narrow the target the higher the rate (quality of lead).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frengut's statistical data for determining the advertisement fees to include a predetermined maximum budget per lead (bounty) and using a suitable mathematical calculation to alter the amount charged to advertisers based on the quality of the lead with the motivation to maximize the usage of their advertising budget (amount of exposure, amount of sales etc).

Claim 9:

Frengut discloses the limitations as shown above.

With regard to the limitation of:

- *using a portion of the user information to retrieve additional user data from a record; and assembling the additional*

Frengut in at least paragraph 47 discloses an advertising filtration host that allows for the cumulative effect of adding "qualifying filters" to create various levels of demographics and behaviors of the users that the advertiser wants to reach. The host narrows down the targeting consumers by adding the appropriate filter to exclude or include the specific qualifying or disqualifying variables provided by the advertiser.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frengut's advertising filtration system based on "qualifying filters with a determination unit to compare the filters level with the advertiser's criteria and for matches to download the rest of the set of user information (criteria, etc) with the motivation of providing advertisers with better qualified leads.

Claim 69:

Frengut discloses:

- *receiving from a Web server a subset of a set of user information received from a user who has responded to a registration of a Web page administered by the Web server, the subset of the set of information limited to information that is necessary to determine whether the user meets criteria set forth to the promoter an advertiser of the plurality of advertisers (see at least paragraphs 25 and 51);*

With regard to the limitations of:

- *comparing the subset of information to the criteria set forth by the advertiser to determine the criteria of the advertiser are met by the user ;*
- *if the criteria are met by the user, then receiving from the Web server any information in the set of information not included in the subset of the set of information;*

Frengut in at least paragraph 47 discloses an advertising filtration host that allows for the cumulative effect of adding "qualifying filters" to create various levels of demographics and behaviors of the users that the advertiser wants to reach. The host narrows down the targeting consumers by adding the appropriate filter to exclude or include the specific qualifying or disqualifying variables provided by the advertiser.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frengut's advertising filtration system based on "qualifying filters with a determination unit to compare the filters level with the advertiser's criteria and for matches to download the rest of the set of user information (criteria, etc) with the motivation of providing advertisers with better qualified leads.

Frengut further discloses:

- *if the criteria are met by the user, then transmitting to the user an opt-in window that includes a data entry mechanism that allows the user to select the advertiser, thereby indicating that the user desires information about the advertiser (see at least paragraphs 26 and 39) ; and*

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- *if the user selects the advertiser via the opt-in window, then transmitting to the advertiser the set of user information (see at least paragraphs 51 and 56);*

20. Examiner Notes: claim 69 recites the limitations of: if the criteria are met by the user, then receiving from the Web server any information in the set of information not included in the subset of the set of information; if the criteria are met by the user, then transmitting to the user an opt-in window that includes a data entry mechanism that allows the user to select the advertiser, thereby indicating that the user desires information about the advertiser; and if the user selects the advertiser via the opt-in window, then transmitting to the advertiser the set of user information. ***It has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C).***

Claim 70:

With regard to the limitation of:

- *billing the advertiser an amount that is determined by subtracting from a predetermined maximum bounty a product of the predetermined maximum bounty times at least one objective factor that that indicates a quality of the user information;*

Frengut in at least paragraph 52 discloses advertisers select which sites to advertise on based on user selected sites and the popularity of the site (quality of the lead). Frengut also discloses advertising rates charged to the advertiser vary according to factors (audience type and the size (quality of the lead)) and the traffic driven sales (quality of the lead). Further more, Frengut in at least paragraph 53 discloses rates are determined by the amount of filtration, the narrow the target the higher the rate (quality of lead).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frengut's statistical data for determining the advertisement fees to include a predetermined maximum budget per lead (bounty) and using a suitable mathematical calculation to alter the amount charged to advertisers based on the quality of the lead with the motivation to maximize the usage of their advertising budget (amount of exposure, amount of sales etc).

21. Claims 2-3, 17-18 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frengut et al, US Pub No: 2002/0046099 in view of French et al US Pat No: 6,282,658 B2.

Claims 2-3, 17-18 and 32-33:

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Frengut discloses the limitations as shown above.

Frengut does not specifically disclose, but French however discloses:

- *comparing at least one item of the user information to at least one database to ensure that the item of the user information is valid prior to the action of transmitting the set of the user information; and*
- *if the item of the user information is not found in the at least one database then taking a predetermined action.*
- *wherein the item of user information comprises an item selected from a group consisting of: user's postal code, a user's telephone number, a user age, a user's e-mail address and combinations thereof;*

See at least column 7, lines 57-65, column 10, lines 51-65 and column 9, lines 27-28

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Frengut 's method and system for customized user interface and targeted marketing forum with French's method and system of verifications of user's identity when conducting an on-line transactions with the motivation of validating submitted user's information is correct.

22. Examiner Notes: claims 2, 17 and 32 recites the limitations of: if the item of the user information is not found in the at least one database then taking a predetermined action. ***It has been held that Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP §2106 II C).***

23. Claims 13-15 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frengut et al, US Pub No: 2002/0046099 in view of Brierley et al, Us Pub No: 2002/0161779 A1.

Claims 13-15 and 28-30:

Frengut discloses the limitations as shown above.

Frengut does not specifically disclose, but Brierley however discloses:

- *wherein the at least one objective factor is a past performance indicator of a server hosting the web page (see at least paragraphs 31 and 56);*
- *wherein the at least one objective factor is an opt-in rate for similar promotions (see at least paragraphs 31,56-57 and 79);*
- *wherein the at least one objective factor is a confirmation e-mail open rate (see at least paragraphs 6,38-39, 68 and fig 12 B with the associated text.;*

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Frengut's system and method of identifying marketing forum with Brierley's method and system of for evaluating on-line promotions effectiveness with the motivation of maximizing the effectiveness of advertising campaign.

24. Claims 11 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frengut et al, US Pub No: 2002/0046099 in view of Official Notice.

Claims 11 and 40:

Frengut discloses the limitations as shown above.

Frengut does not specifically disclose:

- *determining that part of the user information is missing; and using statistical census data to complete the user information;*

However, Official Notice is taken that it is old and well known in advertising art, when using consumers' demographic information to target advertisements, if one part of the demographic information is missing; advertiser is capable of obtaining the missing information form the census bureau. The U.S Census Bureau is used for obtaining missing information for research, business marketing, planning purposes and sampling survey.

For example, for a known geographical area (zip-code), if the average income is missing, an advertiser can obtain the average income for the specified geographical area from the U.S. Census Data. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Frengut's method and system of customizing targeted marketing forum with census data with the motivation of providing the most accurate and available consumers' information to advertisers.

25. Claims 16 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frengut et al, US Pub No: 2002/0046099 in view of Koningstein Us Pub No: 2005/0096979.

Claims 16 and 31:

Frengut discloses the limitations as shown above.

Frengut does not specifically disclose, but Koningstein however discloses:

- *wherein the predetermined maximum bounty is a maximum bounty set by the advertiser (see at least paragraphs 81 and 82);*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Frengut's system and method of identifying marketing forum with Koningstein's method and system of enabling advertisements to follow user to next webpage with the

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motivation of allowing advertisers to set up a maximum budget through which advertisers are capable of providing effective and desirable advertisements to users.

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

27. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS from the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX Months from the mailing date of this final.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Affaf Ahmed whose telephone number is 571-270-1835. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached at 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Yehdega Retta/

Primary Examiner, Art Unit 3622